

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Robert Campbell, Jr.,) C/A No. 8:12-2320-TMC-JDA
)
 Plaintiff,)
)
) REPORT AND RECOMMENDATION
vs.)
)
 Commissioner of Social Security; Social)
 Security Board Appeals Council Office of)
 Disability Adjudication and Review,)
)
 Defendants.)
)

This is an appeal from a denial of social security benefits filed by a *pro se* litigant.

By order dated August 20, 2012, Plaintiff was given an opportunity to provide the necessary information and paperwork to bring the case into proper form for evaluation and possible service of process.¹ Order, ECF No. 13. Plaintiff was warned that failure to provide the necessary information within the timetable set in the order may subject the case to dismissal. *Id.* Plaintiff did not respond to the August 20, 2012, order, and the time for response lapsed. Thereafter, by order dated September 20, 2012, Plaintiff was instructed that he was being given one final opportunity to provide the necessary information and paperwork to bring the case into proper form for evaluation and possible service of process. Order, ECF No. 18. Plaintiff was warned that if he did not fully comply with the directions to provide the necessary information and paperwork it would be recommended that this case be dismissed for failure to prosecute. *Id.* Plaintiff did not respond to the September 20, 2012, order, and the time for response has lapsed.

¹ This court's standing order, In Re: Procedures in Civil Actions Filed by Non-Prisoner Pro Se Litigants, 3:07-mc-5015-JFA (D.S.C. Sept. 18, 2007), is applied to this action.

Plaintiff has failed to prosecute this case and has failed to comply with two orders of this court. It is recommended that this case should be dismissed *without prejudice* pursuant to Rule 41 of the Federal Rules of Civil Procedure. See *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–33 (1962). Plaintiff's attention is directed to the important notice on the next page.

October 23 , 2012
Greenville, South Carolina

s/Jacquelyn D. Austin
United States Magistrate Judge

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
300 East Washington Street, Room 239
Greenville, South Carolina 29601

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).